

Robert W. Stone (SBN 163513), robertstone@quinnemanuel.com
 Michael D. Powell (SBN 202850), mikepowell@quinnemanuel.com
 Quinn Emanuel Urquhart Oliver & Hedges, LLP
 555 Twin Dolphin Dr., Suite 560
 Redwood Shores, CA 94065
 Telephone: (650) 801-5000
 Facsimile: (650) 801-5100

Christopher A. Hughes, *pro hac vice*, christopher.hughes@cwt.com
 Tony V. Pezzano, *pro hac vice*, tony.pezzano@cwt.com
 John T. Moehringer, *pro hac vice*, john.moehringer@cwt.com
 James T. Bailey, *pro hac vice*, james.bailey@cwt.com
 Cadwalader, Wickersham & Taft LLP
 One World Financial Center
 New York, NY 10281
 Telephone: (212) 504-6000
 Facsimile: (212) 504-6666

V. James Adduci II, *pro hac vice*, adduci@adduci.com
 Michael L. Doane (*not yet admitted pro hac vice*)
 Patricia Larios (*not yet admitted pro hac vice*)
 Adduci Mastriani & Schaumburg LLP
 1200 Seventeenth Street, N.W., Fifth Floor
 Washington, DC 20036
 Telephone: (202) 467-6300

Attorneys for Defendant and Counterclaim-Plaintiff International Business Machines Corporation

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)

ASUSTEK COMPUTER, INC., ASUS
 COMPUTER INTERNATIONAL,

Plaintiffs/Counter-Defendants,
 v.

INTERNATIONAL BUSINESS MACHINES
 CORPORATION,

Defendant/Counter-Plaintiff.

Case No. C08-CV-1168-MMC

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND MEDIATION
 DEADLINE**

Judge: Hon. Maxine M. Chesney

STIPULATION

WHEREAS, the United States District Court for the Northern District of California issued
 an Order on June 3, 2008 in the matter of *ASUSTeK Computer Inc., Asus Computer International v.*

1 *International Business Machines Corporation.*, Case No. C08-CV-1168-MMC, referring this matter
2 to mediation with a deadline for completion by September 2, 2008 (90 days from the date of the
3 order);

4 **WHEREAS**, pursuant to the June 3, 2008 order, the parties' attorneys participated in a
5 telephone conference call with the court-appointed Mediator, Vicki S. Veenker, Esq., pursuant to
6 ADR L.R. 6-6 on July 29, 2008 to discuss the nature, timing, etc., for the mediation in this case;

7 **WHEREAS**, in accordance with the procedural schedule set forth by Judge Theodore Essex
8 in the parties' related pending action before the International Trade Commission ("ITC")
9 (Investigation No. 337-TA-628), the third and final ITC-ordered settlement conference is scheduled
10 to be completed by September 12, 2008;

11 **WHEREAS**, because the dates for completing the mediation in this action and having the
12 final settlement conference in the ITC matter are only ten days apart, the parties have agreed,
13 subject to this Court's approval, to consolidate the court-ordered mediation in this case and the ITC-
14 mandated settlement conference in the related ITC action into an in-person session to be held on
15 September 9, 2008 in San Francisco, one week from the mediation completion deadline originally
16 set by this Court;

17 **WHEREAS**, the Mediator in this case, Vicki S. Veenker, Esq., has endorsed the parties'
18 proposal to enlarge the period for satisfying the court-ordered mediation requirement in this case so
19 that a mediation session can be conducted on September 9, 2008;

20 **WHEREAS**, the parties believe that the requested enlargement of time to complete
21 mediation in this case would be an efficient and streamlined use of time and resources for all those
22 involved, and would not have any effect on the pre-trial scheduling order in this case;

23 **WHEREAS**, there has not been any previous request to enlarge the period for completing
24 the required mediation in this case.
25
26
27
28

1
2 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, between the
3 parties that the September 2, 2008 mediation deadline shall be extended to and including September
4 10, 2008.

5 **IT IS SO STIPULATED BETWEEN PARTIES.**

6
7 By:

8 Christopher A. Hughes
9 Tony V. Pezzano
10 John T. Moehringer
11 James T. Bailey
12 CADWALADER, WICKERSHAM
& TAFT LLP
One World Financial Center
New York, New York 10281-0006
Telephone No.: (212) 504-6000
Facsimile No.: (212) 504-6666

13 *Counsel for Defendant International*
14 *Business Machines Corporation*

15 Dated: August 14, 2008

6
7 By:

8 John P. Schnurer
9 Fish & Richardson P.C.
10 12390 El Camino Real
11 San Diego, CA 92130
12 Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Counsel for Plaintiffs/Counter-
Defendants ASUSTeK Computer,
Inc. and ASUS Computer
International

15 Dated: August 14, 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

ASUSTEK COMPUTER, INC., ASUS
COMPUTER INTERNATIONAL,

Plaintiffs/Counter-Defendants,
v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Defendant/Counter-Plaintiff.

Case No. C08-CV-1168-MMC

**[PROPOSED] ORDER TO EXTEND
MEDIATION DEADLINE**

Judge: Hon. Maxine M. Chesney

PURSUANT TO STIPULATION, IT IS SO ORDERED THAT the September 2, 2008
mediation deadline is extended to and including September 10, 2008.

Dated:

The Honorable Maxine M. Chesney
United States District Judge

PROOF OF SERVICE

I am employed in the County of San Mateo. My business address is Fish & Richardson P.C., 12390 El Camino Real, San Diego, CA 92130. I am over the age of 18 and not a party to the foregoing action. On August 14, 2008, I caused a copy of the following document(s):

1. STIPULATION AND [PROPOSED] ORDER TO EXTEND MEDIATION DEADLINE

to be served on the interested parties in this action as follows:

U.S. District Court - ADR Unit
450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102
Tel: 415-522-2199
Email: ADR@cand.uscourts.gov

**VIA EMAIL and
OVERNIGHT DELIVERY**

Vicki S. Venker, vvenker@shearman.com
Shearman & Sterling LLP
1080 Marsh Road
Menlo Park, CA 94025
Tel: 650-838-3763

**VIA EMAIL and
OVERNIGHT DELIVERY**

Robert William Stone (robertstone@quinnemanuel.com)
Michael D. Powell (mikepowell@quinnemanuel.com)
Tun-Jen Chiang (tjchiang@quinnemanuel.com)
Quinn Emanuel Urquhart Oliver & Hedges
555 Twin Dolphin Drive, Suite 560
Redwood Shores, CA 94065
Tel: 650-801-5000
Fax: 650-801-5100

VIA E-MAIL

Counsel for Defendant and
Counter-Claimant
International Business Machines

Christopher A. Hughes (christopher.hughes@cwt.com)
John T. Moehringer (john.moehringer@cwt.com)
James T. Bailey (james.bailey@cwt.com)
Tony V. Pezzano (tony.pezzano@cwt.com)
CADWALADER WICKERSHAM & TAFT LLP
One World Financial Center
New York, NY 10281-0006
Tel: 212-504-6000

VIA E-MAIL

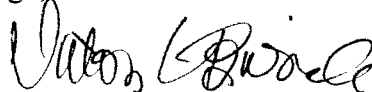
Counsel for Defendant and
Counter-Claimant
International Business Machines

V. James Adduci, II (adduci@adduci.com)
Adduci Mastriani & Schaumberg LLP
1200 Seventeenth Street, NW, Fifth Floor
Washington, DC 20036
Tel: 202-467-6300

VIA E-MAIL

Counsel for Defendant and
Counter-Claimant
International Business Machines

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct. Executed on August 14, 2008, at San Diego, California.



Victoria C. Biernacke